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FREQUENTLY ASKED QUESTIONS

KEY TO NYC: REQUIRING COVID-19 VACCINATION FOR INDOOR ENTERTAINMENT, RECREATION, DINING AND FITNESS SETTINGS

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To help stop the spread of COVID-19, New York City has launched *Key to NYC*, which requires certain establishments to verify that staff and patrons are vaccinated against COVID-19.

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Types of Establishments and Settings

What types of entities need to ask for proof of vaccination?

Certain types of indoor entertainment, recreation, dining and fitness establishments are required to check that their visitors and staff are vaccinated.

What spaces are considered “indoors”?

For purposes of *Key to NYC*, “indoor” spaces are those that have a roof or overhang and three or more walls. *However*, for purposes of *Key to NYC*, the following structures are considered outdoors, and operators do not need to check vaccination status:

- Structures on a sidewalk or roadway and entirely open on the side facing the sidewalk, or
- An outdoor dining structure designed for individual parties (such as plastic domes) so long as the dome has adequate ventilation to allow for air circulation.

What types of indoor entertainment settings are required to comply?

Movie theaters, music or concert venues, adult entertainment, casinos, botanical gardens, commercial event and party venues, museums, aquariums, zoos, professional sports arenas and indoor stadiums, convention centers and exhibition halls, hotel meeting and event spaces, performing arts theaters, bowling alleys, arcades, indoor play areas, pool and billiard halls, and other recreational game centers.

If a venue has both indoor and outdoor portions, only the indoor portion is covered by the *Key to NYC* requirements. If a venue is being rented by a house of worship for a religious event, it is not covered by the *Key to NYC* requirements during the event.

Who must comply with *Key to NYC* when a covered premise is being rented out for a wedding or other event?

Commercial event and party venues, as well as hotel meeting and event spaces, must comply with *Key to NYC*. The responsibility for checking that visitors and staff are vaccinated falls on the venue itself, not on the person renting the space.

What types of food service establishments are required to comply with *Key to NYC*?

The following are required to comply, **unless they offer take-out or delivery only**:

- All food service establishments that are part of the NYC Department of Health and Mental Hygiene’s restaurant grading program that offer indoor dining or beverage service, including:
 - Restaurants
 - Bars
 - Coffee shops
 - Night clubs
 - Dining establishments in hotels, colleges and universities, and malls
 - Cafeterias
- Businesses that operate indoor seating at food courts, including in hotels and malls
- Businesses that provide on-premises catering services
- Grocery stores, food markets, bodegas and other food retailers that are regulated by the New York State Department of Agriculture and Markets if they offer indoor on-site eating areas

If an establishment offers only take-out, delivery or outdoor dining, any indoor tables, chairs, or other furnishings normally used by patrons for indoor dining must be removed or blocked off (e.g., with signs or tape) so they are unavailable for use.

Does a food retailer such as a grocery store, bodega or other food market need to check proof of vaccine?

Only for patrons who use an area for seated indoor eating. For example, a grocery store or bodega that provides table and chairs for patrons to sit and eat inside must check proof of vaccination for any patrons who use that area, if the business chooses to keep that area open.

What types of fitness establishments are required to comply?

Standalone gyms and fitness centers; hotel gyms and fitness centers; gyms and fitness centers in higher education institutions; yoga, Pilates, dance, and barre studios; boxing and kickboxing gyms; fitness boot camps; indoor pools; indoor tennis facilities and tennis bubbles; indoor ice-skating; CrossFit or other plyometric boxes; and other places holding indoor group fitness classes.*

*Note: "Group fitness classes" are defined as two (2) or more participants led by an instructor.

Does Key to NYC apply to indoor dining, entertainment and fitness settings in residences or offices?

Indoor dining, entertainment and fitness located in the following settings are exempted from *Key to NYC*:

- Private residential buildings when those settings are available only to residents
- Office buildings when those settings are available only to office staff
- Pre-K through grade 12 schools
- Senior centers
- Community Centers
- Child care programs

Does Key to NYC apply to purely retail establishments that do not have indoor dining, such as clothing and toy stores?

No. If an establishment is purely retail, then the establishment is not required to check for proof of vaccination.

What if an establishment has both indoor and outdoor portions?

If an establishment has both indoor and outdoor portions (for example, an indoor fitness center with an outdoor pool or a museum with indoor and outdoor spaces for patrons), only the indoor portion is covered by the Key to NYC requirements.

What if an establishment is being used as a poll site for an election?

You should not require proof of vaccination of any individual who enters your establishment in order to vote, accompany a voter, or observe the election.

[Verifying Proof of Vaccination](#)

Who must display proof of vaccination?

Employees, patrons, interns, contractors, and volunteers at *Key to NYC* establishments must display proof of vaccination. Beginning December 14, 2021, patrons age five and up will need to display proof of vaccination. For what proof of vaccination suffices, see below question, “What types of proof of vaccination are sufficient?”

Businesses may keep a record of people who have previously provided proof of vaccination, rather than require that the proof be displayed every time the person enters the establishment. Businesses do not need to record any medical information, but may keep electronic records or a paper log including information such as customer name, type of proof of vaccination provided, date such proof was provided, and name of employee who reviewed such proof. If a business chooses to keep such information on file instead of checking repeat customers, this practice should be recorded in the business’ plan that describes the covered entity’s protocol for implementing and enforcing the requirements of *Key to NYC*.

Businesses have additional record-keeping requirements for their workers. Please see the below question, “What documents do I need to maintain?” on page 8.

Do I need to verify proof of vaccination for contractors who do not live in New York City?
Yes.

What about individuals under the age 5 who are not eligible for vaccination in New York?
Individuals under the age of 5 may enter *Key to NYC* establishments without displaying proof of vaccination so long as they wear a face mask, except when eating and drinking. Children age 2 and under are not required to wear a mask.

What about individuals over the age of 5 who are on a school trip or participating in an after-school program?

Individuals age 5 and over may enter *Key to NYC* establishments without displaying proof of vaccination when they are entering to participate in a school or after-school program sponsored by their school or a City agency, so long as they wear a face mask whenever they are not actively eating or drinking. However, Department of Education and charter school students participating in high risk extra-curricular activities must be vaccinated.

Are individuals allowed to use the bathroom or a locker room to change clothes without showing proof of vaccination?

Yes, as long as they wear a face mask.

Do I need to check proof of vaccination for suppliers or vendors?

You do NOT need to check proof of vaccination for individuals making deliveries or pickups, for individuals who enter the establishment solely for the purpose of making necessary repairs, or for individuals picking up items such as food for takeout or delivery. These individuals must wear a face mask.

What about performers appearing at an indoor entertainment venue or food service establishment and individuals accompanying them as part of their regular employment — do I need to verify proof of vaccination for them?

Yes, if they are residents of New York City or they are regularly employed at the *Key to NYC* establishment. Any other performer, or person accompanying that performer, does not need to provide proof of vaccination.

What about professional athletes who are appearing at an indoor area of a sports stadium or arena and any individuals accompanying them as part of their regular employment — do I need to verify proof of vaccination for them?

Yes, covered entities need to verify proof of vaccination for professional athletes, as well as college athletes, and any individuals accompanying them as part of their regular employment **unless** these individuals do **not** live in New York City and are entering the covered entity for the purpose of participating in a professional or college athletic competition. New York City “home team” players and staff must be vaccinated regardless of where they live.

Types of Proof of Vaccination

What types of proof of vaccination are sufficient?

Beginning December 27, 2021, patrons age 12 and up must demonstrate that they have received a full regimen of a vaccine authorized by the United States [Food and Drug Administration](#) or by the [World Health Organization](#) or any active (not placebo) COVID-19 vaccine candidate that is part of a U.S.-based clinical trial.

- FDA: <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines>
- WHO: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/covid-19-vaccines>

For patrons 12 years of age or older, a full regimen of a COVID-19 vaccine is at least two doses of a two-dose vaccine such as the Pfizer or Moderna vaccine, or one dose of a single-dose vaccine, such as the Janssen/Johnson & Johnson vaccine.

Children ages 5-11 only need a single dose up until January 28, 2022. Beginning January 29, 2022, 5-11 year olds will need to show proof of a full regimen of a COVID-19 vaccine, just like individuals who are 12 and older.

Children who do not turn 5 until after December 13, 2021 have up until 45 days after their birthday to get fully vaccinated.

	Proof of one-dose	Proof of full regimen
5-11 year olds	Yes, but only until January 28, 2022	Yes, beginning January 29, 2022
12 years of age and up	Yes, but only until December 26, 2021	Yes, beginning December 27, 2021

Sufficient proof may be demonstrated by displaying:

- A photo or hard copy of their CDC vaccination card
- NYC COVID Safe App
- New York State Excelsior App
- CLEAR’s Digital Vaccine Card, CLEAR Health Pass
- Official vaccine record

- A photo or hard copy of an official vaccination record of a vaccine administered outside the United States for one of the following vaccines¹: AstraZeneca/SK Bioscience, Serum Institute of India/COVISHIELD and Vaxzevria, Sinopharm, or Sinovac.

What if an individual refuses to show proof of vaccination at a *Key to NYC* establishment?

An individual who refuses to show proof of vaccination and has not been granted a reasonable accommodation as described below (see “Equitable Implementation & Reasonable Accommodations” section below) may not enter except for very quick and limited purposes (such as using the bathroom, picking up food, paying a bill, or changing in a locker room). When entering a venue for such limited purposes, the individuals must wear a face mask.

What information do international vaccination cards need to include?

Proof of vaccination for vaccines administered outside the U.S. may be demonstrated by an official immunization record that includes all of the following:

- First name and last name
- Date of birth
- Vaccine product name (ex: AstraZeneca/SK Bioscience)
- Date(s) administered
- Site where the vaccine was administered or person who administered the vaccine
 - For people vaccinated outside of the U.S., the country of origin may be listed as the site where the vaccine was administered

For the most up-to-date information on vaccines authorized for emergency use by the WHO, refer to the WHO website at <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/covid-19-vaccines>.

Do I need to verify that the proof of vaccination is real?

No.

What if someone presents a fake vaccination card?

If you suspect someone is presenting a fake vaccination card, you may report it by calling 311, report it to the NYS Attorney General by filing a complaint via: <https://ag.ny.gov/complaint-forms>, calling 833-VAX-SCAM (833- 829-7226), or emailing the state Department of Health at STOPVAXFRAUD@health.ny.gov

May a *Key to NYC* establishment adopt a stricter policy and require that staff and patrons be fully vaccinated to enter my establishment?

Yes. *Key to NYC* establishments may go beyond the *Key to NYC* requirements and require full vaccination or other protective measures, but, as always, should consider appropriate reasonable accommodations for staff and patrons who haven’t been vaccinated for reasons relating to a disability or medical condition, as well as for staff who haven’t been vaccinated for reasons relating to religious belief. For more information about reasonable accommodations, see the “Equitable Implementation & Reasonable Accommodations” section below.

Types of Proof of Identification

¹ Current as of August 14, 2021.

Do I need to check other identification besides proof of vaccination?

Yes. Identification bearing the same identifying information as the proof of vaccination must also be displayed. However, for children under the age of 18, identification does not need to be displayed.

Do I need to check identification for everyone?

You must check identification of anyone appearing to be 18 years of age or older. This identification must be checked at the same time you check proof of vaccination for entrance to an indoor space. In addition, you may check identification for individuals under 18 years old but are not required to do so. You do not need to check identification of repeat customers for each visit if you have electronic or paper records demonstrating that such customers have previously displayed proof of vaccination and identification.

Further, you do not need to check identification for people, such as employees or members of a fitness studio or cultural institution, if the proof of vaccination is being matched against identity records you already maintain for that person.

What must the identification contain?

The identification must allow you to confirm that the person requesting entrance is the same person reflected on the proof of vaccination. This means that the identification must contain either:

- The name of the individual and a photo of the individual; or
- The name of the individual and the individual's date of birth.

You must then compare the name and photo or date of birth with that displayed on the proof of vaccination.

What are examples of acceptable forms of identification?

Examples of acceptable forms of identification include but are not limited to:

- Driver's license
- Non-driver government ID card
- IDNYC card
- Passport
- School or work ID card

Individuals may also show copies of their identification document, including a picture on their phone or by using an app like NYC Covid Safe that allows them to display a copy of the document.

Required Signs and Documents**Is there any required signage?**

Yes. An establishment covered by *Key to NYC* must post a sign that notifies employees and patrons about the vaccination requirement. An establishment may post a sign created by the NYC Health Department, which is available online at nyc.gov/keytoNYC or by calling 311, which will mail the sign to you for free. The sign is available in multiple languages.

An establishment may also create its own sign, which must be at least 8.5 x 11 inches, use at least 14-point font, and include this text: "*New York City requires staff and customers 12 years of age and older to be vaccinated against COVID-19 in order to enter this establishment. To find out where to get a free COVID-19 vaccine [visit nyc.gov/vaccinefinder](https://nyc.gov/vaccinefinder) or call 877-VAX-4NYC (877-829-4692). For more information on Key to NYC, visit nyc.gov/keytoNYC."*

Where do I need to post the sign?

The sign must be posted in a location that is easily visible by patrons before they enter the indoor area.

What documents do I need to maintain?

You must have an implementation plan that describes how you will verify proof of vaccination for staff and patrons. The plan must be on site and available for inspection. A covered entity that operates the same type of covered premises at multiple locations may have one plan that applies to all locations but must ensure that a copy of the plan is maintained at each location so it can be produced during an inspection.

You also must either: (a) check your workers' proof of vaccination each time they report to work, and keep a record that you checked, or (b) keep a record of your workers' proof of vaccination. You may find it easier to use the first option if workers are with you only for a few days. Under the second option, you can keep the required record by making a copy or taking a picture of their CDC vaccination cards or another version of acceptable proof (see question above, "What types of proof of vaccination are sufficient?" on page 5). If you choose to review their proof and write down their vaccination information, you will need to create a paper or electronic record that includes the following information for each worker:

1. the worker's name; and
2. whether the person is fully vaccinated; and
3. for a worker who submits proof of the first dose of a two-dose vaccine, the date by which proof of the second dose must be provided, which must be no later than 45 days after the proof of first dose was submitted.

If any of your workers are working without having been vaccinated because you approved a reasonable accommodation for them, you will need to have a record of when you granted the reasonable accommodation, the basis for doing so, and any supporting documents the worker provided for the reasonable accommodation. Please see below question, "Do I need to provide any reasonable accommodations to patrons and employees?" for more information about reasonable accommodations and record-keeping.

Lastly, if you hire a contractor, you do not need to keep a record of the contractor's vaccination status. You can instead request that the contractor's employer confirm that the contractor is vaccinated. However, you do need to keep a record of your request, and the contractor's employer's confirmation that the contractor is vaccinated.

How should I handle the documents I need to maintain?

Any vaccination information should be collected and stored in a secure manner to ensure the privacy and security of the information is protected. Such information should only be accessed by employees or other individuals who have a legitimate need to access such information for purposes of compliance with this order, or other governmental orders, laws, or regulations. Vaccination information should not be used for any other purpose.

Can I write my implementation plan in a language other than English?

It is not required that the written implementation plan be in English. You may write your implementation plan in any language.

Equitable Implementation & Reasonable Accommodations

Do I need to provide any reasonable accommodations to patrons and employees?

Each Key to NYC business should consider appropriate reasonable accommodations for patrons who haven't been vaccinated for reasons relating to a disability, and for staff who haven't been vaccinated for reasons relating to disability, religious belief, pregnancy, or status as a victim of domestic violence, sex offenses or stalking, keeping in mind the purposes behind this policy and public health.

For additional information, call the Small Business Services hotline at 888-SBS-4-NYC or read CCHR's fact sheets: [Guidance for Employers on Equitable Implementation of COVID-19 Vaccine Requirements](#) and [Guidance for Public Accommodations on Equitable Implementation of COVID-19 Vaccine Requirements](#). The City has also created a checklist employers can use to ensure they are handling employee reasonable accommodation requests appropriately: <https://www1.nyc.gov/assets/doh/downloads/pdf/covid/vaccination-workplace-accommodations.pdf>

Where may patrons or staff make complaints about discrimination?

People have a right to be free from discrimination or harassment from businesses. Contact the NYC Commission on Human Rights at nyc.gov/HumanRights or via 311.

Resources for Businesses

Are there webinars available to help me understand this guidance?

Yes. Visit nycsmallbizcourses.eventbrite.com and search for "Key to NYC Guidelines and Resources to Help Your Business" to find virtual webinars that will walk you through the guidelines and other resources available to help your business.

Is there any financing to help me with additional costs related to this mandate?

The City has NYC Business Solutions Centers across the five boroughs that can help connect you to free resources. They work with more than 40 lenders and can discuss the right financing option for you. Go to <http://www.nyc.gov/financingassistance> or call the SBS hotline at 888-SBS-4NYC to learn more.

What if I need to hire additional staff?

The City's Workforce1 Centers are located across the five boroughs and can help connect you for free to new talent and also training for your current staff. Find out more at www.nyc.gov/recruitment or by calling the SBS hotline at 888-SBS-4NYC to learn more.

Enforcement

What should private businesses do when customers refuse to cooperate?

The Office of Administrative Trials and Hearings has posted a webinar (<https://www1.nyc.gov/site/oath/conflict-resolution/conflict-resolution.page>) setting out best practices for conflict resolution training between customers and businesses. Private businesses should call 911 to report an emergency situation or condition that might cause danger to life or personal property.

How will *Key to NYC* requirements be enforced?

Inspectors from various City agencies have been enforcing *Key to NYC* since September 13, 2021. All inspectors, no matter which agency they are from, will be inspecting for compliance with the same *Key to NYC* requirements.

Are there any penalties for noncompliance?

As of September 13, 2021, an establishment found to be noncompliant may be subject to a fine of \$1,000. Repeated violations may result in increased fine amounts or other enforcement action.

Who can I call with questions or concerns about inspections?

Call the Small Business Services hotline at 888-SBS-4-NYC.

Getting Vaccinated

Where can I learn more about the COVID-19 vaccine?

The COVID-19 vaccine is safe, effective and free. Learn more at nyc.gov/covidvaccine or by calling 311.

Where can my employees be vaccinated?

To find a vaccination site go to Vaccine Finder (nyc.gov/vaccinefinder) call 877-VAX-4NYC (877-829-4692) to find a location near you or schedule an appointment.